

MINUTES OF THE COMMISSION FOR HUMAN RIGHTS

OCTOBER 30, 2009

A meeting of the Commission for Human Rights was held in the agency conference room on Friday, October 30, 2009. Present at the meeting were Commissioners Iraida Williams, Nancy Kolman Ventrone, Camille Vella-Wilkinson and Rochelle Bates Lee. Absent were Commissioners Alberto Aponte Cardona, Alton Wiley, Jr. and Dr. John Susa. Commissioner Vella-Wilkinson, Acting Chair, called the meeting to order at 9:20 a.m.

A motion was made by Commissioner Lee to approve the minutes of September 25, 2009. The motion to approve was seconded by Commissioner Williams and carried.

Status Report: Michael D. Évora, Executive Director

A written report was handed out. All new information is in bold print.

Case Production Report – Attached

Aged Case Report - Attached

Outreach Report - Attached

Commissioner Lee left the meeting at 9:35 am.

The Director reported on the article in the magazine Options which was an interview of Frank Gaschen on Commission enforcement of the state laws which prohibit discrimination based on Sexual Orientation. The Director reported that Steven Strycharz attended a class on the H1N1 virus and will be sharing this information with the staff.

Legal Counsel mentioned that flyers on the H1N1 virus have been placed in the waiting room and signs encouraging hand washing have been placed in the bathrooms, at the suggestion of Steven Strycharz.

STATUS REPORT - COMMISSIONERS-

Commissioner Meeting -2- October 30, 2009

GENERAL STATUS:

The Director and Commissioners discussed the plans to install a railing on the ramp in the hearing room.

OUTREACH: Commissioner Vella-Wilkinson will give a presentation

on sexual harassment at the Coalition for Domestic Violence on November 4, 2009. Commissioner Vella-Wilkinson also reported that she was appointed Vice-Chair to the Providence Commission to study tax exempt institutions. Commissioner Williams discussed the need for accommodations for students with hearing impairments and her work in this area.

STATUS REPORT - LEGAL COUNSEL by Cynthia M. Hiatt

LITIGATION: Report Attached

LEGISLATION: Legal Counsel reported on bills recently passed by the General Assembly including the bill to hold a referendum on removing the “Providence Plantations” from the name of the State and the bill that will strengthen protection against discrimination against people who are HIV positive. Counsel reported on the Governor’s veto of the bill that would give same sex and opposite sex partners the authority to make funeral arrangements for their partners.

REGULATIONS: No report at this time.

HEARING SCHEDULE: Discussed

Commissioner Meeting -3- October 30, 2009

DECISIONS: No discussion at this time.

The meeting adjourned at 10:35 a.m. There will be no Commissioner Meeting in the month of November. The next regular meeting will be December 4, 2009 at 9:00 A.M.

Respectfully Submitted,

**Michael D. Évora
Executive Director**

Notes taken by: B. Ross
EXECUTIVE DIRECTOR'S
REPORT TO COMMISSIONERS
OCTOBER 30, 2009

I. BUDGET

S = State/General Revenue; F = Federal (EEOC/HUD); T = Total

	FY 2010	FY 2010	FY 2010	FY 2011
	(Request)	(Enacted)	(Revised)	(Request)
S	868,444	1,016,242	951,019	1,052,721
F	406,615	408,505	363,826	400,268
T	1,275,059	1,424,747	1,314,845	1,452,989

The Commission's Revised FY 2010 and FY 2011 Budget Proposals were submitted to the Budget Office/Governor on October 23. Please see me if you would like a full copy of the budget submission.

II. FEDERAL CONTRACTS

EEOC – For federal FY 2009 (ending 9/30/09), according to EEOC Project Director Marlene Toribio, we closed 219 co-filed cases. We therefore met our (reduced) EEOC contract of 217 cases.

HUD – For FY 10, according to HUD Project Director Angela Lovegrove, we have taken in 16 new housing charges, 13 of which are co-filed with HUD. Within this same time period, we have processed 14 housing charges, 13 of which were co-filed with HUD.

III. PERSONNEL

The revised FY 2010 and FY 2011 budget proposals request that the 0.5 Sr. Compliance Officer position recently vacated by Tina Christy remain unfilled in order to meet the Budget Office's revenue target. Our Budget Analyst has advised that this position may actually be cut from the Commission's budget.

Frank Gaschen has relocated his office to Susan Gardner's former office and Tina Christy has been assigned to the office vacated by Frank. This relocation will leave the two caucus rooms adjacent to the Hearing Room free for use by parties attending PDCs, hearings, etc.

IV. OUTREACH – Refer to attached report

V. GENERAL STATUS

●Meetings with staff members – I continue to meet with individual investigative staff members on a monthly basis to monitor

case production.

•Case Closures – Refer to attached report.

•Aged Cases – Refer to attached report.

•Overall Case Inventory – The Commission had over 1000 cases in its inventory at the end of FY 98. We ended FY 09 with approximately 325 cases in inventory. As of 10/20/09, we had a total of 370 cases in inventory; 60 of those cases were pending assignment. (On 10/21/09, 30 of the pending cases were assigned to investigative staff.)

•EEOC Funding: On October 5, I contacted the DC offices of Senators Reed and Whitehouse urging them to vote in favor of HR 2847, a bill which would restore approximately \$4 million in funding to FEPAs nationwide. I also followed up with faxed letters to each of the Senators. The Senate has yet to take action on this bill, which passed the House.

(I have yet to receive a response from Sen. Reed to my letter of July 28 in which I asked him to look into the issue of reduced funding for FEPAs.)

•EEOC Regional FEPA Conference: On October 22, Marlene Toribio, Allison Cote and I attended the regional conference in Boston. We were advised that our FY 2010 contract likely will be for

the same (reduced) amount as our FY 2009 contract.

•Russian Dignitaries – On September 28, the Commission hosted an Open World Program Delegation from Moldova. The Open World Program is a Congressionally-sponsored program that brings emerging leaders from Russia, Ukraine, and other Eurasian states to the United States. The delegation included mid- and high-level government officials and a professional interpreter. The goal was to give them firsthand exposure to the American system of democracy and free enterprise. The delegation also visited the District Court and Probation Office, the RI Ethics Commission, the Board of Elections and the Attorney General's Office.

Cynthia Hiatt, Frank Gaschen and I gave an overview of the Commission and its investigatory, hearing and enforcement functions and answered questions from the delegation.

•Commission Gift Policy – In accordance with Dr. Susa's request at April's Commission meeting, Summer Legal Intern John Bogue has researched and drafted language to be considered by the Commissioners in establishing a gift policy for the Commission. The language/options are being reviewed by Legal Counsels and will be presented at the next Commission meeting.

•Railing for Hearing Room – Stephen Strycharz, the Commission's Health/Safety Coordinator, has spoken with a landlord

representative in respect to Commissioner Ventrone's request for a railing for the ramp leading up to the bench/witness chair in the Hearing Room.

Respectfully submitted,

**Michael D. Évora
Executive Director**

Attachments

To: Commissioners

From: Cynthia Hiatt and Frank Gaschen, Legal Counsels

Re: Litigation

Date: October 30, 2009

Recent developments are in bold.

Christopher Antonelli Bankruptcy

On November 5, 2008 the Commission entered a Decision on damages in the case of DeAngelis v. Antonelli, et al. Thereafter Mr. Antonelli filed bankruptcy and included the RICHR as a creditor. Mrs. DeAngelis filed a suit in the Bankruptcy Court against Mr. Antonelli to have her award from the Commission non-discharged. Counsel for DeAngelis wants to obtain the Commission file for introduction in Bankruptcy Court.

Aquidneck Island v. RICHR, et al.

This suit was brought by the plaintiff against multiple parties, alleging that liens have been placed on its property improperly. All liens were against Norman Cardinale not Aquidneck. Case is moot now.

Atturio et al v. Évora

This is an appeal of a Commission decision that granted in part and denied in part a motion to quash a Commission subpoena. The Court upheld the decision of the Commission. A draft order was sent to plaintiffs' counsel. Counsel are still working on the wording of the Order.

Babbitt v. Crescent Park Manor, et al.

The Commission intervened as a party plaintiff in this case. Discovery is ongoing. A discovery deposition was held. A motion to assign the case for trial was granted.

Bagnall v. RICHR and WLWC et al.

The complainant appealed the Commission Decision and Order. The Commission filed the administrative record on April 12, 2006. On April 22, 2008, the complainant's attorney filed his brief. The Commission's Brief was filed on August 27, 2008. The Commission received the respondent's brief on December 5, 2008. The parties plan to move to have the appeal assigned to a judge for decision. The complainant's attorney has informed me that he may file a reply memo.

Ezersky v. Rite-Way Forms, Inc.

On October 8, 2009, the complainant filed a petition to enforce the Commission Order. The petition was granted on October 23, 2009.

Gaffney v Town of Cumberland et al

The respondent appealed the Commission decision. In November, 2007, Judge Savage remanded the Commission Decision for the Commission to determine how the Commission would evaluate the evidence, given the conclusions reached in her decision. Judge Savage also asked the Commission to re-assess its Order. After numerous efforts to reach a resolution between the parties, and submissions by the parties in the winter and spring of 2009, the case was taken under consideration by the Commission.

J.J. Gregory and Sons v. RI Commission for Human Rights and Brenda Zeigler

The Commission found that J.J. Gregory and Sons discriminated against Brenda Zeigler because of her sex. J.J. Gregory and Sons filed an administrative appeal. Its appeal was amended to include an appeal of the Commission's Decision on Damages and Attorney's Fees. The Commission filed the administrative record with the Court on February 14, 2008. Respondent filed its brief on January 5, 2009. The complainant filed her brief on January 29, 2009. The Commission filed its brief on February 9, 2009. On February 10, 2009, the appeal was assigned to Judge Judith Savage for decision.

Laboy v. Stat Health Services

Counsel is trying to locate respondent's officers in order to ensure compliance with the Commission Decision and Order.

MHRH v. RICHR and the Estate of Dr. John Satti

MHRH has appealed the Commission decision that MHRH retaliated against Dr. Satti and discriminated against him on the basis of his age. MHRH filed its Brief on August 7, 2008. On October 21, 2008, the Commission filed the administrative record. On January 14, 2009, the Commission filed its brief. The complainant's brief is pending.

RICHR (Breault) v. Elmhurst House, et al.

In this Fair Housing Practices Act case, the respondents elected to have the case heard in Superior Court. Suit on behalf of the Breaults was filed against four respondents in Providence Superior Court on January 27, 2009. Discovery is drafted and served upon defendants.

RICHR (Lovegrove) v. Escolastico

RI judgment was obtained and sent to FL lawyer for collection. Waiting for Lovegrove to forward funds to FL counsel to begin Supplementary Proceedings against Escolastico.

RICHR (Martin) v. Cardinale, et al.

A complaint alleging a transfer of real estate in violation of the Uniform Fraudulent Transfers Act was filed against Norman

Cardinale, et al. Motions for Entry of Default were granted on January 21, 2009.

RICHR (Martin) v. Cardinale, et al.

A complaint alleging a transfer of partnership interests in real estate in violation of the Uniform Fraudulent Transfers Act has been filed against defendants. Discovery commenced. Motions to compel will be filed.

RICHR (Morin) v. Teofilo Silva, et al.

A complaint for enforcement was filed on 3-24-05. Service of the complaint will be made once respondent can be located.

RICHR (Robinson) v. Geruso, Flagship Management, et al.

A complaint against six defendants has been filed in Superior Court alleging racial discrimination in a failure to rent case that went probable cause. The case is settled and HUD and the press notified. RICHR will monitor the case for three years.

RICHR (Sousa) v. Galvin

A Miscellaneous Petition was filed in Providence County Superior Court to have a show cause hearing on whether Mr. Galvin should be held in contempt for failure to comply with two subpoenas duces tecum, either by appearing or sending the documents requested. Defendant avoiding service.

RICHR (Wright) v. New Canonchet Cliffs, et al.

The respondents elected in this housing case that went probable cause on the basis of failure to give a reasonable accommodation regarding a support animal (the respondents claimed that the dog was too big for a pet). Suit was filed in Washington County Superior Court. Complaint sent to counsel for defendants who agreed to accept service.

RICHR (Switzer) v. Principe

The respondents elected in this housing case that went probable cause on the basis of familial discrimination. Suit was filed in state court on January 27, 2009. Complaint amended to add another defendant and discovery propounded. Defendants' attorney given more time to answer and he would like to discuss settlement. Motions to compel and default were filed. Order conditionally defaulting defendants was entered. Email was sent to defendants' counsel asking what he plans to do as the deadline for complying with the various discovery Orders is 10-24-09.

RICHR (Costa, et al.) v. Woonsocket Housing, et al.

This case deals with a failure to reasonably accommodate the complainants' request to have two assistive dogs in one apartment. After a cause finding, both sides elected and suit was filed in the Superior Court. Answer filed to complaint. Motion to compel and more discovery were filed. Order conditionally defaulting defendants was entered.

RICHR (Zeigler) v. Laura Sitrin, Finance Dir. of Newport

Case resolved. Commission must annually monitor City training. Training completed for 2007. Spoke with Detective and training will be scheduled shortly.

Rite-Way Forms, Inc. v. State of Rhode Island, Commission for Human Rights and Christopher M. Ezersky

On June 4, 2009, the Commission was served with respondent's appeal of the Commission Decision and Order, which found that the respondent harassed the complainant because of his disability, and the Commission Decision on Damages, which awarded attorney's fees and compensatory damages to the complainant. On August 14, 2009, the Commission received the respondent's Stipulation to dismiss the appeal. On August 31, 2009, the Commission issued a Decision and Order on the Complainant's Motion for Supplementary Attorneys Fees. [See Ezersky v. Rite-Way Forms, Inc. above.]

Tucker v. Blue Cross

The complainant filed an administrative appeal of the Commission's finding of no probable cause. No action taken since appeal filed in 2004.